

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

<b>LARRY FITZPATRICK,</b>	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Civil Action No.: 2:07-CV-528-WHA</b>
	)	
<b>CITY OF MONTGOMERY, ALABAMA,</b>	)	
<b>Defendant.</b>	)	<b>May 28, 2008</b>

**PLAINTIFF'S EXHIBIT LIST**

COMES NOW the Plaintiff, Larry Fitzpatrick, and pursuant to this Court's April 3, 2008, Order, hereby presents his list of exhibits that may be used in the trial of this case. The following exhibits are available for inspection and copying by the Defendant, upon reasonable notice to the undersigned Counsel for the Plaintiff.

Exh. 1 – November 12, 2004 Charge of Discrimination to the Equal Employment Opportunity Commission

Exh. 2 – October 29, 2004 Terry Gaddis Letter to Plaintiff ordering him to go to counseling

Exh. 3 - January 26, 2005 Negotiated Settlement Agreement

Exh. 4 – June 1, 2005 Notice of Departmental Disciplinary Hearing and Attachment

Exh. 5 - June 6, 2005 Notification of Cancellation of Disciplinary Hearing

Exh. 6 - Plaintiff's June 16, 2005 Response to Charges Filed By Departmental Head

Exh. 7 - August 11, 2005 Charge of Discrimination to the Equal Employment Opportunity Commission

Exh. 8 – November 7, 2005 Notice of Departmental Disciplinary Hearing

Exh. 9 – Plaintiff's Nov. 10, 2005 statement regarding the brake caliper incident

Exh. 10 - January 13, 2006 Recommendation for Disciplinary Action

Exh. 11 – March 7, 2006 Charge of Discrimination to the Equal Employment Opportunity Commission

Exh. 12 – January 19, 2007 Letter of Determination from the Equal Employment Opportunity Commission

Exh. 13 – Photographs of Vehicle 6210-2986

Exh. 14 - Maintenance Records for Vehicle 6210-2986

Exh. 15 - Photographs of Vehicle 5800-2484

Exh. 16 - Maintenance Record for Vehicle 5800-2484

Exh. 17 - Photographs of Vehicle 6210-2950

Exh. 18 - Maintenance Records for Vehicle 6210-2950

Exh. 19 – Plaintiff's Certificates of Training Courses Completed

Exh. 20 - Plaintiff's Retirement Contribution Refund Certification

Exh. 21 – Medical Records of Plaintiff

Exh. 22 – Plaintiff's Pay Information

Exh. 23 – Jan. 11, 2005 Robert Shuford statement regarding the loose lug nut incident

Exh. 24 - Jan. 24, 2005 Robert Shuford statement regarding the loose lug nut incident

Exh. 25 – Feb. 10, 2005 Robert Shuford statement regarding fuel leak incident

Exh. 26 – Dec. 19, 2005 Robert Shuford statement regarding loose lug nuts, and tampering incidents

Exh. 27 – Robert Shuford statement regarding the brake caliper incident

Exh. 28 – Rodney Hardy Dec. 19, 2005 statement regarding tampering

Exh. 29 – Donald White Dec. 19, 2005 statement regarding tampering incidents

Exh. 30 – Certificates of Training Courses Completed by Charlie Crum

Exh. 31 – Employee Counseling Record of Plaintiff

Exh. 32 – Employee Counseling Record of Johnny Ray Smith

Exh. 33 – Oct. 25, 2004 Counseling Statement of Johnny Ray Smith

Exh. 34 – Feb. 9, 2005 Letter to Johnny Ray Smith ordering counseling

Exh. 35 - Jan. 28, 2005 Package Regarding Discipline of Johnny Ray Smith

Exh. 36 – Personnel File of Johnny Ray Smith Plaintiff received in Discovery

Exh. 37 – July 10, 2000 Garage Foreman Application of Royce Albright

Exh. 38 – Audiotape of Interviews between Eugene Knox and Roy Wilson and Donald White

Exh. 39 – Defendant's Response to Plaintiff's Request for Production of Documents

Exh. 40 - Defendant's Response to Plaintiff's Interrogatories Documents

Exh. 41 - Defendant's Response to Plaintiff's Request for Admissions

Any Exhibit on Defendant's List of Exhibits

Any Exhibit needed for Impeachment or Rebuttal

Respectfully submitted, this the 30<sup>th</sup> day of May, 2008.

/s/ Joseph C. Guillot  
JOSEPH C. GUILLOT (GUI011)  
Attorney for the Plaintiff

OF COUNSEL:  
**McPHILLIPS SHINBAUM, L.L.P.**  
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**CERTIFICATE OF SERVICE**

I hereby certify that this 30<sup>th</sup> day of May, 2008, I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Wallace Mills, Esq.  
City of Montgomery Attorney's Office  
103 N. Perry Street, Room 200  
Montgomery AL 36104

/s/ Joseph C. Guillot  
OF COUNSEL